

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**KEVIN B. BRASHEAR and**  
**CHRISTOPHER S. KITCHEN,**  
*individually and on behalf of similarly*  
*situated individuals,*

Plaintiffs,

v.

**PANINI AMERICA, INC.,**

Defendant.

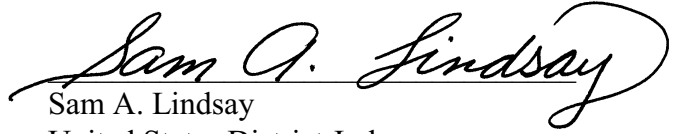
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Civil Action No. **3:19-CV-201-L**

**ORDER**

Before the court is Panini's Unopposed Motion to Stay Class Certification Briefing (Doc. 20), filed April 26, 2019, until its motion to dismiss under Rules 12(b)(1) and (b)(6) are decided and, if the motion to dismiss is denied, until after entry of a scheduling order and initial discovery can be conducted with respect to the commonality and typicality of Plaintiffs' surviving claims. Instead of staying the briefing on the April 23, 2019 Motion to Certify (Doc. 17) for an indefinite length of time, the court **denies without prejudice** the Motion to Certify Class (Doc. 17) and **denies as moot** Panini's Unopposed Motion to Stay Class Certification Briefing (Doc. 20). After the court rules on Panini's motion to dismiss, Plaintiffs may refile their Motion to Certify.

**It is so ordered** this 13th day of June, 2019.

  
Sam A. Lindsay  
United States District Judge